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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:06-cv-06213-JFK-GWG**

Natural Resources Defense Council, Inc. v. Federal Emergency	Date Filed: 08/16/2006
Management Agency et al	Date Terminated: 03/05/2010
Assigned to: Judge John F. Keenan	Jury Demand: None
Referred to: Magistrate Judge Gabriel W. Gorenstein	Nature of Suit: 895 Freedom of
Cause: 05:552 Freedom of Information Act	Information Act
	Jurisdiction: U.S. Government Defendant

Plaintiff

Natural Resources Defense Council, Inc.

represented by **Albert Huang**

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V.

Defendant

**Federal Emergency Management
Agency**

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Defendant

**United States Environmental Protection
Agency**

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Ross Eric Morrison
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Andrew Martin McNeela
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Defendant

**United States Environmental Protection
Agency Office of Acquisition
Management**

represented by **Nicole L. Gueron**
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Ross Eric Morrison
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Andrew Martin McNeela
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Defendant

**United States Environmental Protection
Agency Office of Solid Waste and
Emergency Response**

represented by **Nicole L. Gueron**
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Andrew Martin McNeela
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Date Filed	#	Docket Text
08/16/2006	<u>1</u>	COMPLAINT against Federal Emergency Management Agency, United States Environmental Protection Agency, United States Environmental Protection Agency Office of Acquisition Management, United States Environmental Protection Agency Office of Solid Waste and Emergency Response. (Filing Fee \$ 350.00, Receipt Number 587877)Document filed by Natural Resources Defense Council, Inc.(laq,) Additional attachment(s) added on 8/17/2006 (mbe,). (Entered: 08/17/2006)

08/16/2006		SUMMONS ISSUED as to Federal Emergency Management Agency, United States Environmental Protection Agency, United States Environmental Protection Agency Office of Acquisition Management, United States Environmental Protection Agency Office of Solid Waste and Emergency Response. (laq,) (Entered: 08/17/2006)
08/16/2006	2	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Natural Resources Defense Council, Inc.(laq,) Additional attachment(s) added on 8/17/2006 (mbe,). (Entered: 08/17/2006)
08/16/2006		Magistrate Judge Gabriel W. Gorenstein is so designated. (laq,) (Entered: 08/17/2006)
08/16/2006		Case Designated ECF. (laq,) (Entered: 08/17/2006)
09/19/2006	3	STIPULATION AND ORDER; the date by which the defendants must answer, move, or otherwise respond to the complaint is hereby extended to 10/18/2006. (Signed by Judge John F. Keenan on 9/14/06) (kco,) (Entered: 09/20/2006)
09/19/2006		Set Answer Due Date purs. to 3 Stipulation and Order as to Federal Emergency Management Agency answer due on 10/18/2006; United States Environmental Protection Agency answer due on 10/18/2006; United States Environmental Protection Agency Office of Acquisition Management answer due on 10/18/2006; United States Environmental Protection Agency Office of Solid Waste and Emergency Response answer due on 10/18/2006. (kco,) (Entered: 09/20/2006)
09/27/2006	4	NOTICE OF APPEARANCE by Nicole L. Gueron on behalf of Federal Emergency Management Agency (Gueron, Nicole) (Entered: 09/27/2006)
10/03/2006	5	MOTION for Patrice L. Simms to Appear Pro Hac Vice. Document filed by Natural Resources Defense Council, Inc. Proposed Order attached. (db,) (Entered: 10/04/2006)
10/03/2006	6	MOTION for Albert Huang to Appear Pro Hac Vice. Document filed by Natural Resources Defense Council, Inc. Proposed Order attached. (db,) (Entered: 10/04/2006)
10/05/2006	7	ORDER;... The motion for admission pro hac vice of Patrice L. Simms is denied for failure to comply with the Local Rules. (Signed by Judge John F. Keenan on 10/5/06) (djc,) (Entered: 10/06/2006)
10/11/2006	8	ORDER granting 6 Motion for Albert Huang to Appear Pro Hac Vice. . (Signed by Judge John F. Keenan on 10/11/06) (dle,) (Entered: 10/12/2006)
10/11/2006		Transmission to Attorney Admissions Clerk. Transmitted re: 8 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney

		Information. (dle,) (Entered: 10/12/2006)
10/13/2006	9	ORDER that attorney Patrice L. Simms is admitted pro hac vice to the Bar of this Court for the purposes of appearance and participation on behalf of plaintiff in this action, pursuant to Civil Rule1.3(c). (Signed by Judge John F. Keenan on 10/13/2006) (jmi,) (Entered: 10/16/2006)
10/13/2006		Transmission to Attorney Admissions Clerk. Transmitted re: 9 Order,, to the Attorney Admissions Clerk for updating of Attorney Information. (jmi,) (Entered: 10/16/2006)
10/18/2006	1 0	ANSWER to Complaint. Document filed by Federal Emergency Management Agency, United States Environmental Protection Agency, United States Environmental Protection Agency Office of Acquisition Management, United States Environmental Protection Agency Office of Solid Waste and Emergency Response. (Gueron, Nicole) (Entered: 10/18/2006)
10/18/2006	1 1	CERTIFICATE OF SERVICE of Answer served on Albert Huang on 10/18/2006. Service was made by mail. Document filed by Federal Emergency Management Agency, United States Environmental Protection Agency, United States Environmental Protection Agency Office of Acquisition Management, United States Environmental Protection Agency Office of Solid Waste and Emergency Response. (Gueron, Nicole) (Entered: 10/18/2006)
10/19/2006		CASHIERS OFFICE REMARK on 8 Order on Motion to Appear Pro Hac Vice, 9 Order, in the amount of \$50.00, paid on 10/19/2006, Receipt Number 593924. (jd,) (Entered: 10/19/2006)
03/26/2007	1 2	ENDORSED LETTER addressed to Judge John F. Keenan from Andrew M. McNeela dated 3/21/2007 re: request that the next status conference, which is set for 3/29/2007 at 9:30a.m., be rescheduled. Endorsement: Request granted. Status Conference set for 4/10/2007 10:30 AM before Judge John F. Keenan. SO ORDERED. (Signed by Judge John F. Keenan on 3/26/2007) (jar) (Entered: 03/27/2007)
05/31/2007	1 3	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling discovery, non-dispositive pretrial motions and settlement). Referred to Magistrate Judge Gabriel W. Gorenstein. (Signed by Judge John F. Keenan on 5/31/07) (js) (Entered: 06/01/2007)
06/05/2007	1 4	NOTICE OF APPEARANCE by Ross Eric Morrison on behalf of Federal Emergency Management Agency, United States Environmental Protection Agency, United States Environmental Protection Agency Office of Acquisition Management, United States Environmental Protection Agency Office of Solid Waste and Emergency Response (Morrison, Ross) (Entered: 06/05/2007)

06/06/2007	<u>1</u> <u>5</u>	STIPULATION AND ORDER REGARDING SCOPE OF MEDIATION: It is hereby stipulated and agreed by and between the undersigned counsel for the parties as follows: The parties will enter into non-binding mediation on the potential of the recovery of attorneys' fees by NRDC for time spent conducting an Open File review process under any OFR Agreement. Such mediation will be completed within 60 days of the date this Stipulation and Order is entered by the Court. So Ordered. (Signed by Judge John F. Keenan on 6/6/07) (js) (Entered: 06/07/2007)
06/11/2007	<u>1</u> <u>6</u>	NOTICE OF APPEARANCE by Andrew Martin McNeela on behalf of Federal Emergency Management Agency, United States Environmental Protection Agency, United States Environmental Protection Agency Office of Acquisition Management, United States Environmental Protection Agency Office of Solid Waste and Emergency Response (McNeela, Andrew) (Entered: 06/11/2007)
06/11/2007	<u>1</u> <u>7</u>	CERTIFICATE OF SERVICE of Notice of Appearance and Request for Electronic Information served on Patrice L. Simms on June 11, 2007. Service was made by Mail. Document filed by Federal Emergency Management Agency, United States Environmental Protection Agency, United States Environmental Protection Agency Office of Acquisition Management, United States Environmental Protection Agency Office of Solid Waste and Emergency Response. (McNeela, Andrew) (Entered: 06/11/2007)
06/19/2007	<u>1</u> <u>8</u>	ORDER SCHEDULING SETTLEMENT CONFERENCE: a Settlement Conference is set for 7/2/2007 at 10:00 AM in Courtroom 17A, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Gabriel W. Gorenstein. (Signed by Judge Gabriel W. Gorenstein on 6/19/07) (db) (Entered: 06/20/2007)
06/19/2007		Minute Entry for proceedings held before Judge Gabriel W. Gorenstein : Interim Pretrial Conference held on 6/19/2007. (pl) (Entered: 06/26/2007)
07/02/2007		MEMORANDUM TO THE DOCKET CLERK: a settlement conference was held in this matter on July 2, 2007 at 10:00 a.m. (jmi) (Entered: 07/11/2007)
07/13/2007	<u>1</u> <u>9</u>	STIPULATION AND ORDER: EPA will make available at EPA's offices electronic documents potentially responsive to the FOIA Requests, for so-called "Quick Peek Review" by NRDC. This Quick Peek Review will occur without EPA's prior review of the electronic documents for any privilege, FOIA exemption, or other ground for objecting to the production of any document, and is for the sole purpose of enabling NRDC to determine whether it will agree to enter into the proposed Open File Review Agreement. This Quick Peek Review will occur on a single mutual convenient date chosen by the parties, for a maximum time period of eight hours on that date. (Signed by Judge Gabriel W. Gorenstein on 7/13/2007) (jar) (Entered: 07/16/2007)
08/06/2007	<u>2</u> <u>0</u>	ENDORSED LETTER addressed to Judge John F. Keenan from Andrew M. McNeela dated 7/30/07 re: Counsel writes to request that the status conference be rescheduled. ENDORSEMENT: Conference adjourned to 8/14/07 at 10 a.m. So Ordered. Status Conference set for 8/14/2007 at 10:00 AM before Judge John F.

		Keenan. (Signed by Judge John F. Keenan on 8/6/07) (jco) (Entered: 08/07/2007)
09/05/2007	<u>2</u> <u>1</u>	STIPULATION AND ORDER: NRDC shall provide EPA with the search for EPA to use in electronically searching the emails. NRDC may provide search terms in three separate categories derived from the FOLA Requests, including the categories of i) "Sediment", ii) "Debris", and iii) "Water issues" (collectively, the "search categories"), for a total of three sets of search terms. EPA shall electronically search the emails using these three sets of search terms and identify any responsive emails in each of the search categories. EPA will then inform NRDC of the total number of responsive emails in each of the search categories, etc. as further set forth in this Order. (Signed by Judge John F. Keenan on 8/31/07) (jco) (Entered: 09/06/2007)
05/14/2009	<u>2</u> <u>2</u>	ENDORSED LETTER addressed to Judge John F. Keenan from Albert Huang dated 5/8/2009 re: Requesting that the Court reschedule the May 27, 2009 status conference. ENDORSEMENT: The request is granted. The conference is adjourned to June 17, 2009, at 11:00 a.m. (Signed by Judge John F. Keenan on 5/14/2009) (jpo) (Entered: 05/14/2009)
06/17/2009		Minute Entry for proceedings held before Judge John F. Keenan: Pretrial Conference held on 6/17/2009. Next Conference set for 10/20/2009 at 10:15 AM before Judge John F. Keenan. (mro) (Entered: 06/17/2009)
10/20/2009		Minute Entry for proceedings held before Judge John F. Keenan: Initial Pretrial Conference held on 10/20/2009, (Pretrial Conference set for 3/4/2010 at 10:00 AM before Judge John F. Keenan.). (mbe) (Entered: 10/29/2009)
02/18/2010	<u>2</u> <u>3</u>	ORDER. Please be advised that the conference scheduled for March 4, 2010 has been rescheduled to March 5, 2010 at 10:00 a.m in Courtroom 20-C before Judge John F. Keenan. (Signed by Judge John F. Keenan on 2/18/10) (dj) (Entered: 02/18/2010)
03/05/2010	<u>2</u> <u>4</u>	ORDER: It is hereby ordered that this action is discontinued, without costs to either party, subject to reopening is settlement in not consummated within 90 days of the date of this order. So Ordered (Signed by Judge John F. Keenan on 3/5/2010) (js) (Entered: 03/08/2010)

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